

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YI MEI KE,

Plaintiff,

-against-

JR SUSHI 2 INC, et al.

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/22/21

19-CV-7332 (PAE) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The Court having granted plaintiff's conditional collective certification motion pursuant to 29 U.S.C. § 216(b) (Dkt. No. 95), and having read and considered the proposed Notice of 29 U.S.C. § 216(b) Collective Action (Notice) along with the attached Consent Form (Dkt. No. 106-4), it is hereby ORDERED that:

1. The parties' Notice and Consent Form is APPROVED in the redlined form attached hereto. Plaintiff's counsel shall incorporate the Court's modifications before transmitting the Notice to potential opt-in plaintiffs.
2. No later than **March 8, 2021**, plaintiff's counsel shall transmit the Notice and Consent Form, in English and Chinese, to all non-managerial, non-exempt individuals employed at JR Sushi and/or Famous Sichuan on or after August 6, 2016, by:
  - a. First class mail to those potential opt-in plaintiffs whose mailing address is known;
  - b. Email to those potential opt-in plaintiffs whose email address is known;
  - c. Text message to those potential opt-in plaintiffs whose cellphone number is known; and/or
  - d. Social media chat to those potential opt-in plaintiffs whose social media username(s) is known.
3. No later than **March 8, 2021**, defendants shall display the Notice (in English and Chinese) in conspicuous locations at JR Sushi and Famous Sichuan.

Dated: New York, New York  
February 22, 2021

**SO ORDERED.**



**BARBARA MOSES**  
**United States Magistrate Judge**

TROY LAW, PLLC  
John Troy (JT 0481)  
41-25 Kissena Boulevard Suite 103  
Flushing, NY 11355  
Tel: (718) 762-1324  
*Attorney for the Plaintiff, proposed FLSA Collective and potential Rule 23 Class*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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YI MEI KE,  
a/k/a Yimei Ke,  
*on behalf of herself and others similarly situated,*  
Plaintiff,  
v.

JR SUSHI 2 INC.  
d/b/a JR Sushi 2,  
FAMOUS SICHUAN NEW YORK INC  
d/b/a Famous Sichuan;  
YUKWAH KWOK CHENG,  
KAI TUAN WANG,  
XIN WANG,  
RUI WANG,  
a/k/a Rui Feng Yang  
a/k/a Rui Feng Yang  
a/k/a Jane Doe,  
ZINN WANG  
a/k/a Zi Wang  
a/k/a John Doe, and  
HENRY ZHANG,

Defendants.

**Case No. 19-cv-07332**

**COURT AUTHORIZED  
NOTICE OF 29 U.S.C. § 216(b)  
COLLECTIVE ACTION**

**IMPORTANT NOTICE  
ADVISING YOU OF YOUR  
RIGHTS**

**TO:** All current and former non-managerial, non-exempt individuals employed at any time from August 06, 2016 to the present byat:

(1) **J R SUSHI 2 INC d/b/a JR Sushi 2**,  
located at 86A West Broadway, New York, NY 10007; and/or

(2) **FAMOUS SICHUAN NEW YORK INC d/b/a Famous Sichuan**,  
located at 10 Pell Street, New York, NY 10013;

(3) **YUKWAH KWOK CHENG**,  
(4) **KAI TUAN WANG**,  
(5) **XIN WANG**,  
(6) **RUI YANG a/k/a Rui Feng Yang a/k/a Rui Feng Yang a/k/a Jane Doe**,

(7) ~~ZINN WANG a/k/a Zi Wang a/k/a John Doe, and~~  
 (8) ~~HENRY ZHANG,~~  
~~(hereinafter collectively "Defendants")~~

If you worked ~~for Defendants as in~~ a non-managerial, non-exempt ~~individual employed position~~ at JR Sushi 2 and/or Famous Sichuan at any time since August 06, 2016, the purpose of this Notice is to advise you of this lawsuit, and to further advise you of certain rights you may have with respect to this action.

Plaintiff YI MEI KE alleges she worked ~~for Defendants at JR Sushi 2~~ and has brought this action on behalf of all other current and former non-managerial, non-exempt employees who have worked for ~~Defendants any of the defendants listed in the caption of this action (collectively, "Defendants")~~ at JR Sushi 2, 86A West Broadway, New York, NY 10007 and/or Famous Sichuan, 10 Pell Street, New York, NY 10013 since August 06, 2016.

The lawsuit seeks monetary damages under the federal Fair Labor Standards Act and the New York Labor Law for, among other things, ~~allegedly owed~~ minimum wages and overtime wages that defendants allegedly failed to pay. Defendants deny these allegations.

THIS NOTICE is meant to advise you of your right to participate in this lawsuit as a claimant and plaintiff under the Fair Labor Standards Act if you worked ~~for Defendants at JR Sushi 2 and/or Famous Sichuan~~ as a non--managerial, non-exempt employee at any time from August 06, 2016 to the present and were not paid minimum wage for all hours worked and/or were not paid overtime for all hours worked over 40 in any given workweek.

No determination has been made that you are owed any amount of money, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

**Federal law prohibits Defendants from retaliating against you or discriminating against you if you wish to join this lawsuit.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>ASK TO BE INCLUDED</b>	If you wish to be included, you must complete the form at the end of this Notice.
<b>DO NOTHING</b>	By doing nothing, you will not be included in the portion of the lawsuit relating to claims under the Fair Labor Standards Act.

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before [60 days from date notice is sent out.]

### **1. Why did I get this notice?**

You are getting this notice because Defendants' records show that you work or worked ~~for Defendants at JR Sushi 2 and/or Famous Sichuan~~ at some time from August 06, 2016 through the present.

### **2. What is this lawsuit about?**

This lawsuit is about whether the Defendants properly paid their non-managerial, non-exempt employees in accordance with the federal Fair Labor Standards Act and the New York Labor Law. In the portion of the lawsuit brought under the Fair Labor Standards Act, ~~the lawsuit plaintiff~~ alleges, among other things, that Defendants (i) failed to pay their non-managerial, non-exempt employees the full minimum wage for all hours worked and/or (ii) failed to pay overtime for all hours worked over 40 in any given workweek.

Defendants deny these allegations.

### **3. What damages is the lawsuit seeking?**

The lawsuit is seeking to recover, among other things, unpaid minimum wages, unpaid overtime pay, and “liquidated damages,” which double the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys’ fees.

### **4. What happens if I join the lawsuit?**

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You ~~will may~~ also share in any proceeds from a settlement or a favorable judgment.

While this lawsuit is pending, as part of the discovery process, you may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to the Defendants currently in your possession. You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the Southern District of New York Courthouse. Should you not prevail in the lawsuit, you and the other plaintiffs may be required to pay Defense counsel’s reasonable costs.

### **5. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit?**

No. It is a violation of federal law for Defendants to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this lawsuit.

### **6. Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally?**

Yes. Your immigration status does not affect your entitlement to recover back wages or to participate in the lawsuit.

### **7. How do I ask the Court to include me in the lawsuit?**

Enclosed is a form called the “Plaintiff Consent Form.” **If you choose to join the lawsuit, it is extremely important that you read, sign, and promptly return the Plaintiff Consent Form.**

An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent Form must be sent to the following address:

TROY LAW PLLC  
41-25 Kissena Boulevard, Suite 103  
Flushing, NY 11355

**RE: KE, et al. v. JR SUSHI 2 INC d/b/a JR Sushi 2 and  
FAMOUS SICHUAN NEW YORK INC d/b/a Famous Sichuan et al.**

Your signed and filled-out Plaintiff Consent Form must be postmarked, faxed, or emailed by (60 days from mailing). If your signed and filled-out Plaintiff Consent Form is not postmarked, faxed, or emailed by (60 days from mailing), you may not be able to participate in the federal law portion of this lawsuit or share in ~~a~~ monetary damages. You can also fax the Plaintiff Consent Form to (718) 762-1342 or scan and email it to [troylaw@troypllc.com](mailto:troylaw@troypllc.com).

#### **8. Do I have an attorney in this lawsuit?**

If you choose to join this lawsuit, unless you choose to retain a different attorney, you will be represented by **Troy Law, PLLC**, 41-25 Kissena Boulevard, Suite 103, Flushing, New York 11355, telephone (718) 762-1324.

#### **9. How will Troy Law, PLLC be paid?**

If you choose to be represented by Troy Law, PLLC, their costs and fees will be paid out of any settlement or money judgment Plaintiffs receive against Defendants. Troy Law, PLLC will petition the Court for reasonable attorneys' fees and expenses should this case settle, and the Court will approve such an award only after determining that it is fair and reasonable. If there is no settlement or money judgment, Troy Law, PLLC will not receive any fee. You will not be required to pay anything out of pocket for services provided by Troy Law, PLLC.

Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning this lawsuit may be obtained by contacting ~~the~~ Troy Law, PLLC at (718) 762-1324. Substantive communications with Troy Law, PLLC for the purpose of obtaining legal advice are presumed **privileged and confidential** and will not be disclosed to anyone without your permission.

If you select an attorney other than Troy Law, PLLC to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

#### **10. Should I get my own attorney?**

You have the right to hire any attorney of your choice to represent you in this matter. However, if you choose not to be represented by Troy Law, PLLC, you will need to confer with them regarding their costs and fees.

**11. What happens if I do nothing at all?**

If you do nothing at all, you will not be part of this lawsuit and will not be affected by any settlement or judgment rendered in this lawsuit, whether favorable or unfavorable.

**12. This notice has been authorized by the court.**

This notice and its contents have been authorized by a federal judge ~~for~~in the United States District Court for the Southern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

**Please do not write or call the court about this notice.**

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the lawsuit.

## **PLAINTIFF CONSENT FORM**

IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE  
COMPLETE THESE TWO STEPS:

- A. COMPLETE AND SIGN THIS PLAINTIFF CONSENT FORM; AND
  - B. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN [60 days from mailing of notice].

I consent to be a party plaintiff in the lawsuit *KE, et al. v. J R SUSHI 2 INC d/b/a JR Sushi 2, et al.*, U.S. District Court, Southern District of New York, Civil Action No. 19-cv-07332 in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

By signing and returning this consent form, I hereby designate ~~Plaintiff and her counsel~~ Troy Law, PLLC (“the Firm”) to represent me ~~and make decisions on my behalf concerning the litigation and any settlement~~. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firm will petition the Court for reasonable attorneys’ fees and expenses should this case settle or a money judgment is received and will receive a proportion of any such gross settlement or judgment amount. I agree to be bound by any adjudication of this action by ~~a~~the court, whether it is favorable or unfavorable.

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Name (printed)

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### Signature

Date

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**Street Address**

City

State

---

ZIP

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**Best Telephone Number(s)**

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Email

---

Work Location(s)

---

Employment Start Date

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Employment End Date

**Mail to:**

**TROY LAW, PLLC,  
41-25 KISSENA BOULEVARD, SUITE 103  
FLUSHING, NY 11355**

**RE: JR SUSHI 2 INC d/b/a JR Sushi 2 and  
FAMOUS SICHUAN NEW YORK INC d/b/a Famous Sichuan et al.**

YOU CAN ALSO FAX THE CONSENT TO JOIN FORM TO (718) 762-1342

OR SCAN AND EMAIL IT TO: [troylaw@troypllc.com](mailto:troylaw@troypllc.com)